

REMARKS / DISCUSSION OF ISSUES

Claims 1-5, 9-14, and 16-24 are pending in the application. Claims 6-8 and 15 are canceled herein and claims 16-24 are newly added. No new matter is added.

The Office action rejects:

claims 1-3 and 7-15 under 35 U.S.C. 103(a) over Vossler (USP 7,206,429) and Rast (USPA 2001/0046304); and

claims 4-5 under 35 U.S.C. 103(a) over Vossler, Rast, and Boesen (USP 6,560,468). The applicants respectfully traverse this rejection.

The Office action has indicated that claim 6 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. The applicants have amended each of the independent claims to include distinguishing features of claim 6.

The prior art does not teach controlling a device based on signals from a pair of devices that each include one or more touch-sensitive areas, as claimed in each of the applicants' independent claims. As taught by the applicants, providing touch sensitive areas on each earbud provides advantages that are not realizable by a single earbud, such as increasing the volume if one earbud is touched, and decreasing the volume if the other earbud is touched.

Because the prior art does not teach the elements of each of the applicants' independent claims, the applicants respectfully maintain that claims 1-5, 9-14, and 16-24 are patentable under 35 U.S.C. 103(a) over Vossler, Rast, and Boesen, and respectfully request the Examiner's reconsideration and withdrawal of the rejections of these claims.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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